



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/168901

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 23, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on October 20, 2015, at Madison, Wisconsin.

The issue for determination is whether the agency erred in its reduction of petitioner's FS effective 9/1/15.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

;

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner was previously a FS beneficiary with income from a university work-study position.

3. Petitioner underwent a FS review and interview at which time he reported that his work-study funding had ended. He was continuing to work at 20 hours per week at \$13 per hour. The agency budgeted petitioner's income from the university as regular earned income. His monthly gross income was \$1,118.
4. The agency informed petitioner by notice dated 9/10/15 that his September FS would be \$16. It had previously been \$194.
5. On 10/5/15, the agency increased the allotment to \$90 after calculating in petitioner's payment of utilities and shelter costs.
6. On 9/23/15 petitioner filed a request for hearing.

### **DISCUSSION**

FoodShare allotments are determined under program rules and vary with household composition and income. As more income is counted, FS allotments will be reduced. Under the rules of the FS program, income from a work-study position is a disregarded type of income. That is, it does not count toward household income at all. *FS Wisconsin Handbook* § 4.3.2.2(12).

In this case, petitioner's work-study income ended and this fact was reported at the review in August and September. Because of this, his income was previously zero and is now budgeted at \$1,118. Petitioner conceded at hearing that no error appears to have been made. He simply argues that he is in the same financial situation he was in previously. While I understand this argument, the distinction is one dictated by program rules. I have no authority to grant FS if it is not permitted under the program rules.

### **CONCLUSIONS OF LAW**

The agency did not err in counting petitioner's income as earned income.

**THEREFORE, it is**

### **ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 12th day of November, 2015

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\sJohn P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 12, 2015.

Dane County Department of Human Services  
Division of Health Care Access and Accountability